

1 AN ACT relating to peer counseling for public safety employees.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Public safety employee" means an individual employed by a public agency

7 who:

8 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;

9 2. Serves in a position that is primarily engaged in firefighting activities,

10 whether paid or unpaid;

11 3. Serves as a certified telecommunicator as provided by KRS 15.560 to

12 15.565; or

13 4. Is licensed to provide emergency medical services as provided by KRS

14 Chapter 311A;

15 (b) "Peer support communication" means any oral or written communication

16 made in the course of, or application for, a peer support counseling session

17 or any communication by a peer support participant regarding the contents

18 of a peer support counseling session to another peer support specialist, staff

19 member of a peer support counseling program, or the supervisor of a peer

20 support specialist;

21 (c) "Peer support counseling program" means a program provided by a public

22 agency to provide counseling services from a peer support specialist to a

23 public safety employee;

24 (d) "Peer support counseling session" means any counseling formally provided

25 through a peer support counseling program between a peer support

26 specialist and one (1) or more public safety employees;

27 (e) "Peer support participant" means a public safety employee who receives

1 counseling services from a peer support specialist;

2 (f) "Peer support specialist" means a public safety employee designated by the
3 public agency to provide peer support counseling who has received training
4 in both peer support counseling and in providing emotional and moral
5 support to public safety employees who have been in or exposed to an
6 emotionally traumatic experience in the course of employment; and

7 (g) "Public agency" has the same meaning as the entities listed in KRS 65.870
8 (1).

9 (2) Any public agency may create and design a peer support counseling program to
10 provide support to public safety employees who have been in or exposed to an
11 emotionally traumatic experience in the course of employment.

12 (3) The content of any peer support communication shall remain confidential and
13 shall not be disclosed to any individual who was not party to the peer support
14 counseling session or peer support communication, except when the peer support
15 communication contains:

16 (a) An explicit threat of suicide by a participant in which the participant shares
17 an intent to die by suicide, a plan to carry out a suicide attempt, or discloses
18 the means by which the participant intends to carry out a suicide attempt.
19 This paragraph shall not apply to any peer support communication where
20 the participant solely shares that the participant is experiencing suicidal
21 thoughts;

22 (b) An explicit threat by a participant of imminent and serious physical and
23 bodily harm or death to a clearly identified or reasonably identifiable
24 victim;

25 (c) Information related to the abuse or neglect of a child or an older adult or
26 vulnerable individual that is required by law to be reported;

27 (d) An admission of criminal conduct; or

1 (e) Information which is required by law to be disclosed.

2 (4) A peer support participant shall hold a privilege from disclosure of any peer
3 support communication in any civil or criminal proceeding unless it contains
4 information exempted under subsection (3)(b), (c), (d), or (e) of this section.

5 Under this privilege, the peer support communication shall not be subject to
6 discovery, disclosure, or production upon the order of subpoena of a court or
7 other agency with subpoena power, regardless of who possesses them.

8 (5) Nothing in subsections (3) or (4) of this section shall be interpreted or construed
9 to prohibit:

10 (a) The use of or sharing by the public agency of anonymous data for research,
11 statistical analysis, or educational purposes;

12 (b) The disclosure of an observation by an employee of the public agency of a
13 peer support participant outside of a peer support counseling session and
14 not contained in peer support communication; or

15 (c) The disclosure of knowledge of a law enforcement officer of the public
16 agency about a peer support participant not gained from peer support
17 communication.